IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

-

**WRIT PETITION NO : 24995 of 2004**

Between:

J.Srinivas Reddy S/o.Hanumanth Reddy
Kapanur Village, Kishanpeta Mandal,
Mahaboobnagar District.

**..... PETITIONER**

AND

1. The Secretary Regional Transport Authority

Mahaboobnagar,Mahaboobnagar Dist.

2. The Motor Vehicle Inspector, Mahaboobnagar,

Mahaboobnagar District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly in the nature of *Writ of Mandamus* declaring the action of the respondents in seizing and detaining the petitioner's vehicle Omini Bus (Commandar Jeep) bearing Registration No. AP 22 D 2891 and vehicle Check Report No. 115925, dated 13-12-2004 as illegal, arbitrary and unjust and consequently direct the respondents to release the Omini Bus (Commandar Jeep) bearing Registration No. AP 22 D 2891 to the petitioner herein in interest of justice and pass such further other order or orders.

**Counsel for the Petitioner: MR.G.RAVI MOHAN**

**Counsel for the Respondents: GP FOR TRANSPORT**

**The Court made the following:**

**ORDER:**

The petitioner is the owner of the vehicle Omini Bus (Commandar Jeep) bearing Registration No.AP 22 D 2891. The said vehicle was seized under Vehicle Check Report dated 13.12.2004 by the second respondent on the ground that the petitioner failed to produce the documents of the vehicle at the time of checking.

The petitioner contends that he made an application for release of the vehicle, but the 1st respondent did not entertain the same and the enquiry regarding the disposal of the vehicle is pending before the 1st respondent.

The petitioner is at liberty to approach the 1st respondent and produce the documents of the vehicle, if any, with him to enable the 1st respondent to pass appropriate orders. The 1st respondent has to consider as to whether the petitioner violated any provisions of the Motor Vehicles Act and whether the vehicle was not having valid documents or

not.

The petitioner further submits that the vehicle is lying idle and it is exposed to sun and rain and if it remains like that, it is likely to be damaged. Therefore, he seeks a direction to the 1st respondent to release the vehicle for interim custody.

In view of the representation made by the petitioner, the writ petition is disposed of directing the first respondent to grant interim custody of the vehicle in question to the petitioner on her depositing a sum of Rs.5,000/- (Rupees five thousand only) with the following conditions:

i. that the vehicle in question shall not be alienated or transferred to any other person;

ii. that the vehicle shall be produced as and when required by the concerned authority;

iii. that the amount deposited shall be adjusted, if the authority found that

the petitioner violated the provisions of the Motor Vehicles Act and Rules framed thereunder;

iv. in the circumstances no order as to costs.

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**K.C.BHANU,J.**

Date: 31st December 2004.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary,

Regional Transport Authority

Mahaboobnagar, Mahaboobnagar District.

2. The Motor Vehicle Inspector, Mahaboobnagar,

Mahaboobnagar District.

3. Two CCs to the Government Pleader for Transport, High court of A.P.,

Hyderabad (OUT).

4. Two C.D. copies